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Supreme Court
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NO. SCPW-12-0000669

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In Re LIVIA M. SCOTTO, Petitioner.

ORIGINAL PROCEEDING

ORDER

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of (1) the documents submitted by petitioner Livia M. Scotto ("Scotto") on July 26, 2012, which were filed as a petition for a writ of mandamus, (2) the August 6, 2012 order directing petitioner to pay the filing fee for the original proceeding within ten days from the date of the order, and the record herein, it appears that petitioner has failed to pay the filing fee and, therefore, this court can dismiss her petition pursuant to HRAP Rule 24(c). Moreover, it appears that even if petitioner paid the filing fee, her petition fails to present any evidence or argument to warrant mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus is an extraordinary remedy that will not issue

unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action). Accordingly,

IT IS HEREBY ORDERED that: (1) to the extent petitioner seeks judicial review of a federal court or federal agency decision, it appears this court lacks jurisdiction to consider that portion of the petition, see HRS § 602-5(a) (Supp. 2011); and (2) in all other respects, petitioner fails to demonstrate a clear and indisputable right to relief and, therefore, the petition is denied.

DATED: Honolulu, Hawai'i, Sept. 13, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

